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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/600,003	07/10/2000	HAJIME INOUE	SONYJP-086	6725
530 7590 11/14/2008 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			EXAMINER GRAHAM, PAUL J	
			ART UNIT 2426	PAPER NUMBER
			MAIL DATE 11/14/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/600,003

Applicant(s)

INOUE ET AL.

Examiner

PAUL GRAHAM

Art Unit

2426

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 52, 58-67 and 72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 52, 58-67, 72 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/88)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant argues:

Feature claimed in claim 52 is “displaying the information...”

The Examiner respectfully disagrees. The independent claim listed is an apparatus claim (as are the related claims, not method claims). The receiving apparatus is comprising a display circuit for displaying ...” which *is covered* by the prior art. See Office Action 12/01/07.

Akamatsu does not show information associated with program already recorded on medium.

The Examiner respectfully disagrees. Akamatsu does cover the claim limit as written, the claim does not specify “a program *already* recorded”. See Akamatsu, fig. 30 for display of associated information.

Hashimoto does not show alarm as claimed.

The Examiner respectfully disagrees. Hashimoto does show an alarm (or error) message (see Hashimoto, col. 3, ll. 1-15). The Hashimoto reference serves a purpose for the given rejection (as stated in the Office Action)), it seems as if Applicant is arguing references individually. In response to applicant's arguments against the references individually (or repeatedly attacks each reference individually), one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The applicant's arguments have been fully considered, but are not persuasive. The claims as put forth 3/28/08 are similar to those claims put forth 8/10/07 and stand rejected.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 52, 58-67 and 72 are rejected under 35 U.S.C. 103(a) as being obvious over Akamatsu et al. (US 7224886) and Sparks et al. (US 2002/0018638 A1) in view of Ohara et al. (US 6292618 B1) in further view of Hashimoto et al. (US 5990940).

As to claim 52, Akamatsu discloses a receiving apparatus of a digital broadcasting for receiving a digital broadcasting signal constructed by a transport stream in which video data and audio data have been compressed and multiplexed, comprising (see Akamatsu, fig. 1, the IRD represents a receiving app for a digital broadcast):
a decoder for decoding said received digital broadcasting signal (see Akamatsu, fig. 1, the IRD is a decoder of the signal);
a digital interface for receiving a transport stream from an external reproducing apparatus

(fig. 1, recording device) having both analog and digital recording and reproducing modes (see Akamatsu, fig. 4, the communication interface is a digital interface with an external reproducing apparatus with D/A record and play modes (see p. 21, ll. 20-25 and fig. 4 shows both a reproducing and recording section on the related device); and a CPU programmed (see Akamatsu fig. 1, processing unit in IRD) for retrieving information associated with a program recorded on a recording medium loaded in said reproducing apparatus from a memory in said reproducing apparatus (see Akamatsu, fig. 47C, reservation data mgt section for memory, Akamatsu does cover the claim limit as written, the claim does not specify “a program *already* recorded”. See Akamatsu, fig. 30 for display of associated information.); and

Akamatsu is unclear on the digital broadcast signal is displayed; however, Sparks, who discloses OSD insertion, does teach this (see Sparks [0008] a dig. Signal source is coupled to display regardless of recorder’s status).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Akamatsu with the apparatus of Sparks in order to allow for display of digital signals during digital record mode without adding extra complexity to the apparatus.

Sparks teaches a display processing circuit for displaying (see Sparks, fig. 2, processing within 200);

The combined teaching is unclear on the displaying of an alarm or message if the user selects an input/output that is inconsistent with the mode of the recorder/reproducer (and therefore could not be decoded).

However, it is submitted that it would have been clearly obvious (as evidenced by Hashimoto col. 11, ll. 17-35 and fig. 14a) to one of ordinary skill in the art at the time the invention was made to modify the combined teaching with the displaying of an alarm if an input or output that is inconsistent with the replay mode so as to notify the user of a problem that may arise in program recording or reproduction.

As to claim 58, Akamatsu discloses a receiving apparatus of a digital broadcasting for receiving a digital broadcasting signal constructed by a transport stream in which video data and audio data have been compressed and multiplexed, comprising (see Akamatsu, fig. 1, the IRD represents a receiving app for a digital broadcast):

a decoder for decoding said received digital broadcasting signal (see Akamatsu, fig. 1, the IRD is a decoder of the signal);

a digital interface for receiving a transport stream from an external reproducing apparatus (fig. 1, recording device) having both analog and digital recording and reproducing modes (see Akamatsu, fig. 4, the communication interface is a digital interface with an external reproducing apparatus with D/A record and play modes (see p. 21, ll. 20-25 and fig. 4 shows both a reproducing and recording section on the related device); and

Akamatsu is unclear on the digital broadcast signal is displayed; however, Sparks, who discloses OSD insertion, does teach this (see Sparks [0008] a dig. Signal source is coupled to display regardless of recorder's status).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Akamatsu with the apparatus of

Sparks in order to allow for display of digital signals during digital record mode without adding extra complexity to the apparatus.

Sparks teaches a display processing circuit for displaying (see Sparks, fig. 2, processing within 200);

The combined is unclear on the displaying of an alarm or message if the user selects an input/output that is inconsistent with the mode of the recorder/reproducer (and therefore could not be decoded).

However, it is submitted that it would have been clearly obvious (as evidenced by Hashimoto col. 11, ll. 17-35 and fig. 14a) to one of ordinary skill in the art at the time the invention was made to modify the combined teaching with the displaying of an alarm if an input or output that is inconsistent with the replay mode so as to notify the user of a problem that may arise in program recording or reproduction.

As to claim 59, Akamatsu and Ohara and Sparks and Hashimoto (as combined in claim 58) disclose an apparatus according to claim 58, wherein said information associated with said program includes at least one of a channel number of the program, a program name, a genre, a date of the recording, and a recording time (see Akamatsu, fig. 30).

As to claim 60, Akamatsu and Ohara and Sparks and Hashimoto (as combined in claim 58) disclose an apparatus according to claim 58, wherein said information associated with said program includes recording position information of the program on the recording

medium (see Akamatsu, fig. 30).

As to claim 63, Akamatsu discloses a receiving apparatus of a digital broadcasting for

receiving a digital broadcasting signal constructed by a transport stream in which video data and audio data have been compressed and multiplexed, comprising (see Akamatsu, fig. 1, the IRD represents a receiving app for a digital broadcast):

a decoder for decoding said received digital broadcasting signal (see Akamatsu, fig. 1, the IRD is a decoder of the signal);

a digital interface for receiving a transport stream from an external reproducing apparatus (fig. 1, recording device) having both analog and digital recording and reproducing modes (see Akamatsu, fig. 4, the communication interface is a digital interface with an external reproducing apparatus with D/A record and play modes (see p. 21, ll. 20-25 and fig. 4 shows both a reproducing and recording section on the related device); and

Akamatsu is unclear on the digital broadcast signal is displayed; however, Sparks, who discloses OSD insertion, does teach this (see Sparks [0008] a dig. Signal source is coupled to display regardless of recorder's status).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Akamatsu with the apparatus of Sparks in order to allow for display of digital signals during digital record mode without adding extra complexity to the apparatus.

Sparks teaches a display processing circuit for displaying (see Sparks, fig. 2, processing within 200);

The combined teaching is unclear on the displaying of an alarm or message if the user selects an input/output that is inconsistent with the mode of the recorder/reproducer (and therefore could not be decoded).

However, it is submitted that it would have been clearly obvious (as evidenced by Hashimoto col. 11, ll. 17-35 and fig. 14a) to one of ordinary skill in the art at the time the invention was made to modify the combined teaching with the displaying of an alarm if an input or output that is inconsistent with the replay mode so as to notify the user of a problem that may arise in program recording or reproduction.

As to claims 64 and 65, they are analyzed similar to claims 59 and 60, respectively.

As to claim 72, Akamatsu discloses a method of recording program associated information in a receiving apparatus of a digital broadcasting, comprising (see Akamatsu, fig. 1):

receiving a digital broadcasting signal constructed by a transport stream in which video data and audio data have been compressed and multiplexed, comprising (see Akamatsu, fig. 1, the IRD represents a receiving app for a digital broadcast):

a decoder for decoding said received digital broadcasting signal (see Akamatsu, fig. 1, the IRD is a decoder of the signal);

a digital interface for receiving a transport stream from an external reproducing apparatus

(fig. 1, recording device) having both analog and digital recording and reproducing modes (see Akamatsu, fig. 4, the communication interface is a digital interface with an external reproducing apparatus with D/A record and play modes (see p. 21, ll. 20-25 and fig. 4 shows both a reproducing and recording section on the related device); and a CPU programmed (see Akamatsu fig. 1, processing unit in IRD) for retrieving information associated with a program recorded on a recording medium loaded in said reproducing apparatus from a memory in said reproducing apparatus (see Akamatsu, fig. 47C, reservation data mgt section for memory); and

Akamatsu is unclear on the digital broadcast signal is displayed; however, Sparks, who discloses OSD insertion, does teach this (see Sparks [0008] a dig. Signal source is coupled to display regardless of recorder's status).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of Akamatsu with the apparatus of Sparks in order to allow for display of digital signals during digital record mode without adding extra complexity to the apparatus.

Sparks teaches a display processing circuit for displaying (see Sparks, fig. 2, processing within 200, the information displayed is certainly associated with the program recorded (and shown in a predetermined format-display));

The combined teaching is unclear on the displaying of an alarm or message if the user selects an input/output that is inconsistent with the mode of the recorder/reproducer (and therefore could not be decoded).

However, it is submitted that it would have been clearly obvious (as evidenced by Hashimoto col. 11, ll. 17-35 and fig. 14a) to one of ordinary skill in the art at the time the invention was made to modify the combined teaching with the displaying of an alarm if an input or output that is inconsistent with the replay mode so as to notify the user of a problem that may arise in program recording or reproduction.

4. Claims 61 and 66, are rejected under 35 U.S.C. 103(a) as being obvious over Akamatsu et al. (US 7224886) and Sparks et al. (US 2002/0018638 A1) in view of Ohara et al. (US 6292618 B1) in view of Hashimoto et al. (US 5990940) in further view Yuen et al. (US 6 147 715).

As to claim 61, Akamatsu and Ohara and Sparks and Hashimoto (as combined) disclose an apparatus according to claim 58,

The combination is unclear on wherein said information associated with said program is overlapped to a reproduction signal from said reproducing apparatus and displayed, however, Yuen, who discloses an apparatus for indexing guide information for recordation and replay, teaches information associated with a program that is “overlapped” or overlaid to a reproduction signal so as to provide the user with information in a convenient fashion (see Yuen, col. 1, ll. 59-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of the combination with that of Yuen so as to provide the user with information in a convenient fashion (see Yuen, col. 1, l. 50-col. 2, l. 4).

As to claim 66, it is analyzed similar to claim 61.

5. Claims 62 and 67, are rejected under 35 U.S.C. 103(a) as being obvious over Akamatsu et al. (US 7224886) and Sparks et al. (US 2002/0018638 A1) in view of Ohara et al. (US 6292618 B1) in view of Hashimoto et al. (US 5990940) in view Yuen et al. (US 6 147 715) in further view of Suga et al (US 2004/0208482 A1).

As to claim 62, Akamatsu and Ohara and Sparks and Hashimoto (as combined) disclose an apparatus according to claim 58,

The combination is unclear on wherein said information associated with said program is overlapped to a reproduction signal from said reproducing apparatus and displayed, however, Yuen, who discloses an apparatus for indexing guide information for recordation and replay, teaches information associated with a program that is “overlapped” or overlaid to a reproduction signal so as to provide the user with information in a convenient fashion (see Yuen, col. 1, ll. 59-64).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of the combination with that of Yuen so as to provide the user with information in a convenient fashion (see Yuen, col. 1, l. 50-col. 2, l. 4).

The combination with Yuen is unclear on displaying information of the mode of the recorded program, however, Suga, who discloses an apparatus for indexing guide information for recordation and replay, does teach displaying information of the mode of the recorded program (see Suga, fig. 5 and 29-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the system of the Yuen combination with Suga in order to display record mode information for a user (see Suga, [174-179]).

As to claim 67, it is analyzed similar to claim 62.

Conclusion

6. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiries

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul J. Graham whose telephone number is 571-270-1705. The examiner can normally be reached on Monday-Friday 8:00a-5:00p EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on 571-272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

pjg
11/3/2008

/Vivek Srivastava/

Supervisory Patent Examiner, Art Unit 2426